

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/919,391 Confirmation No. : 3428
Applicant : Fitzpatrick, *et al.*
Filed : July 31, 2001
TC/A.U. : 2686
Examiner : Daniel Jr., Willie J.
Docket No. : BOC9-2000-0084 (219)

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, David B. Lebowitz, a citizen of the United States, residing in North Richland Hills, Texas, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Armonk, New York at the time the above-identified application was conceived. I make this declaration in support the above-identified application.
2. IBM has invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).
3. As a named co-inventor for this invention, I and my co-inventors prepared and submitted the attached Invention Disclosure No. BOC8-2000-0107 (hereinafter "Invention Disclosure") pursuant to IBM guidelines.
4. The Invention Disclosure was originally submitted for consideration to an IBM Attorney/Patent Professional for preparation of a patent application on December 1, 2000, and was insubstantially modified on December 4, 2000. The content of the Invention Disclosure has not been subsequently modified. The Invention Disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully supported by the

Invention Disclosure in light of the Invention Disclosure and art known at the time of the disclosure.

5. I diligently worked with outside counsel to prepare and file the above-mentioned patent application.

6. I make this Declaration to establish that my co-inventors and I conceived of the present invention at least as early as December 1, 2000, and exercised due diligence from that date to the date of filing for the above-identified patent application.

7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.


David B. Lebowitz

Date: 9/19/06

IN TESTIMONY WHEREOF, David B. Lebowitz, has hereunto set his hand this

19th day of September, 2006.


Witness #1

Michelle Lebowitz
(Print/Type Name of Witness #1)


Witness #2

Dana Latham
(Print/Type Name of Witness #2)